

JAN 20 2006

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SEAN R. MACDAVITT  
ANITA M. BOWLES

\* Admitted in TX only  
\*\* Admitted in CT only

## Facsimile Cover Sheet

**To: OFFICE OF INITIAL PATENT  
EXAMINATION --  
ABANDONMENT**

**Company: U.S. PATENT OFFICE**  
**Phone:**  
**Fax: 571-273-8300**

**From: Anthony Laurentano**  
**Phone: (617) 227-7400**  
**Fax: (617) 742-4214**  
**Case No.: USSN 09/701,228**  
**Our Ref. FHW-070US**

**Date: January 20, 2006**  
**Sent By: AAL/lgh**

**Pages including this  
cover page: 13**

**Message:** Dear Sir: Attached is a copy of a date-stamped return receipted postcard dated Jan. 3, 2002 and a copy of a *Petition under 37 CFR 1.181 to Withdraw Holding of Abandonment of a Patent Application based on Failure to Receive Office Action or In the alternative, petition for Revival of Holding of an Unintentionally Abandoned Patent Application under 37 CFR 1.137(b)* which was filed with the U.S. Patent Office on December 11, 2001 in U.S. Serial No. 09/701,228. Please advise the status of this Petition at your earliest convenience. If you have any questions, please contact my assistant Lynn Hall at 617-994-0737.

Anthony A. Laurentano, Esq.

The documents transmitted by this facsimile are intended for the use of the individual or the entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of the message is not the intended recipient, or the employee or agent responsible for delivering this document to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original facsimile to us at the above address via the U.S. Postal Service. Thank you.

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Office No. FHW-070US

THE "RECEIVED" STAMP OF THE PATENT AND TRADEMARK OFFICE  
IMPRINTED HEREON ACKNOWLEDGES THE FILING OF:

Description of Paper\* and No.: Transmittal letter (1 pg, in duplicate); Petition Under 37 CFR 1.181 To Withdraw Holding of Abandonment of a Patent Application Based on Failure to Receive Office Action or in the alternative, Petition for Revival of Holding of an Unintentionally Abandoned Patent Application Under 37 CFR 1.137(b); Appendix A; Appendix B; a copy of the Executed Declaration, Petition and Power of Attorney; and a return postcard.

Name of Applicant(s): Colin TAYLOR

Intf. or Serial No.: 09/701,228

Atty: Anthony A. Laurentano

Date: December 11, 2001

\*with Certificate of First Class Mailing



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DEANN FORAN SMITH  
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PETER A. OMATTIA  
JONATHAN M. SPARKS, Ph.D.  
CRISTIN E. HOWLEY, Ph.D.  
VINCENT P. LOCCIGANO  
MERIDETH C. ARNOLD

\* Admitted in NY only  
\*\* Passed the Patent Bar Examination  
\*\*\* Admitted in TX only

December 11, 2001

Attention: Office of Petitions  
Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

Re: U.S. Patent Application Serial No. 09/701,228  
Applicant: Colin Taylor  
Filed: November 27, 2000  
Title: *SIGNALLING METHOD AND APPARATUS*  
Attorney Docket No.: FHW-070US

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Petition Under 37 CFR 1.181 To Withdraw Holding of Abandonment of a Patent Application Based on Failure to Receive Office Action or in the alternative, Petition for Revival of Holding of an Unintentionally Abandoned Patent Application Under 37 CFR 1.137(b);
2. Appendix A;
3. Appendix B;
4. A copy of the Executed Declaration, Petition and Power of Attorney; and
5. Return Postcard.

Please charge any underpayments or credit any overpayments associated with this communication to our Deposit Account No. 12-0080. The undersigned requests any extensions of time necessary to respond. A duplicate of this sheet is enclosed.

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Attention: Office of Petitions, Commissioner for Patents, Box DAC, Washington, DC 20231 on:

December 11, 2001

Date

*Anthony A. Laurentano*  
Anthony A. Laurentano, Reg. No. 38,220

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

*Anthony A. Laurentano*  
Anthony A. Laurentano  
Reg. No. 38,220  
Attorney for Applicant

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Colin TAYLOR

Serial No.: 09/701,228

Filed: November 27, 2000

For: SIGNALLING METHOD AND APPARATUS

Attorney Docket No.: FHW-070US

Group Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

Attention: Office of Petitions  
Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

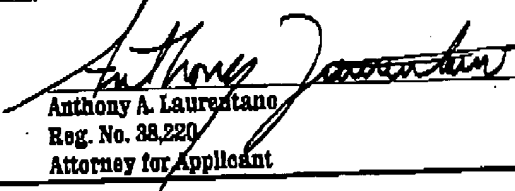
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December 11, 2001

Date of Signature and of Mail Deposit

By:

  
Anthony A. Laurentano  
Reg. No. 38,220  
Attorney for Applicant

Petition Under 37 CFR 1.181 To Withdraw Holding of Abandonment of a Patent Application Based on Failure to Receive Office Action or in the alternative, Petition for Revival of Holding of an Unintentionally Abandoned Patent Application Under 37 CFR 1.137(b)

Dear Sir:

Pursuant to 37 CFR §1.181 the undersigned hereby petitions to withdraw the holding of abandonment issued in connection with the above-identified patent application.

On October 24, 2001, Applicant's Attorney received by mail the Notice of Abandonment which had been date stamped September 26, 2001 by the Patent and Trademark Office and which indicated that the application had been abandoned.

Serial No.: 09/701,228

It is respectfully submitted that Applicant did not receive the notification of Missing Requirements dated February 21, 2001 for the above-identified application. Accordingly, Applicant respectfully petitions the Commissioner to withdraw the holding of abandonment in the application.

The present Petition includes the following facts and documentation: (a) a summary of the procedures and controls used by the Firm when correspondence is received by the Firm from the Patent & Trademark Office; and (b) a summary of how these procedures and controls were followed in the above-identified application. Also enclosed is a copy of two different dockets (Appendices A and B) of the Firm which span the relevant time period when the notification of Missing Requirements dated February 21, 2001, if received, would have been docketed by the Firm (e.g., within one month following the date of the notification of Missing Requirements).

On a daily basis, all mail from the U.S. Patent and Trademark Office delivered to the Firm is directed to a central docket clerk who opens and date stamps each document. The chief Docket Administrator or Docket Administrator Assistant then reviews each correspondence from the Patent and Trademark Office (hereafter referred to as an "Office Action") to determine the appropriate due date for responding to the Office Action. The due date for responding to the Office Action is then noted on the cover sheet of the Action, including not only the initial due date, but also each possible extension date until the end of the statutory period, if applicable.

After noting the due date(s) for responding to the Office Action on the front of the Action itself, the Docket Administrator obtains the file for the patent application in which the Office Action has been received and also notes the due date(s) for responding to the Action on the cover of the file itself. The file, with the Office Action attached to the front, is then delivered to the appropriate attorney(s) responsible for handling the case and responding to the Office Action.

In addition to the above, the Docket Administrator enters the due date(s) for responding to all Office Actions received from the Patent & Trademark Office in *two separate central docketing systems* of the Firm. The first docketing system is a *computerized docketing system* which utilizes a licensed computer program called PC Master\*. All due dates (including any

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available extension dates) for responding to Office Actions received from the Patent and Trademark Office are entered into this computer program on a daily basis. The information entered into the computerized docketing system includes the serial number and internal reference number of the application in which the response is due, the attorney(s) handling the application, and a description of the type of response due (i.e., missing requirements and surcharge).

Once entered into the computer, these docket entries are sorted by due date and attorney responsible for the action. They are then printed out on both a weekly and monthly basis and are distributed to the appropriate attorneys within the firm.

A copy of the Firm's computerized docket printout for the dates of **March 1-31, 2001** through **April 1-30, 2001** (well after the notification of Missing Requirements would have been received by the Firm and entered into the computerized docketing system on the due date of **March 21, 2001**) is submitted herewith as Appendix A.

Upon review of Appendix A, it can be seen that no entry was made in the Firm's computerized docketing system for the above-identified application (serial number 09/701,228) on the dates described above. Specifically, these entries would have been sorted under the initials of the first attorney responsible for the application. In the present case, this attorney is Anthony A. Laurentano, having the initials AAL. However, upon review of the tabbed pages of Appendix A (tabbed with green flags), containing all docket matters for the Firm for the relevant dates described above (i.e., **March 1-31, 2001** through **April 1-30, 2001**), it can be seen that no docket reminder for responding to a notification of Missing Requirements in the above-identified application (USPN 09/701,228) appears on any of these pages.

In addition to the above-described *computerized* docketing system, the Firm, also maintained a second *manual docketing system* whereby all docket dates for the Firm, including due dates for responding to Office Actions received from the Patent and Trademark Office, were entered in chronological order into a docket book on a hard drive. Once an Office Action was received by the Firm and the due date (including any available extensions) for responding to the Office Action was determined, an entry was manually typed into the docket book on the page(s) corresponding to the due date(s) for responding to the Office Action. The entry typed into a backup docket book on the hard drive describes the type of response due (e.g., missing

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requirements and surcharge), the serial number of the patent application in which the response is due, and the initials of the attorney(s) responsible for handling the response.

Accordingly, if, in the above-identified application, a notification of Missing Requirements had been received by the Firm having a mailing date of **February 21, 2001**, and having a response period of one month from the date of mailing, then the following information would have been entered in the Firm's backup docket book within one month of receipt, namely, **March 21, 2001**, (docket date), the latest by **August 21, 2001**, under 37 CFR 1.136(a) (due date for the required oath or declaration): (a) the serial number and internal reference number of the application; (b) the attorney(s) handling the application; (c) and a description of what was due (i.e., oath or declaration).

A copy of the Firm's backup docket book for the dates of **March 21, 2001** (the time frame for which the case should have been docketed) and **August 21, 2001** (The latest possible time frame for which an oath or declaration was due) is submitted herewith as Appendix B.

Upon review of Appendix B, it can be seen that no entry was made in the Firm's manual docketing system for the above-identified application (serial number 09/701,228) on the dates described above. This indicates that a notification of Missing Requirements dated **February 21, 2001**, in the above-identified application was never received by the Firm. In addition, at that time, the computerized docket printout was compared with the manual docket book by the chief Docket Administrator or Docket Administrator Assistant to check for any discrepancies between the two. This indicates that a notification of Missing Requirements dated **February 21, 2001**, in the above-identified application was *never received* by the Firm.

Since, the Office Action (e.g., Missing Requirements) was never received, Applicant respectfully requests that the Commissioner withdraw the holding of abandonment, and accept the enclosed Declaration, Petition and Power of Attorney for Patent Application that complies with 37 CFR 1.497 in place of reissuing the notification of Missing Requirements. Applicant's believe that no costs are due with regard to the filing of this petition. If fees are due, however, please charge them to our Deposit Account No. 12-0080.

If the Commissioner does not deem the petition under 37 CFR 1.181 to be persuasive, Applicant respectfully requests that this alternative petition to Revive an Unintentionally Abandoned Application under 37 CFR 1.137(b) be considered. Applicant respectfully submits



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that the delay in submitting the Declaration, Petition and Power of Attorney for Patent Application that complies with 37 CFR 1.497 was unintentional, as evidenced by the foregoing comments.

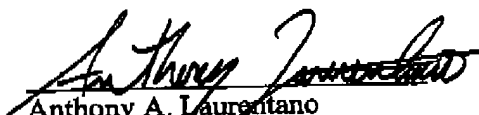
If the Commissioner deems the Petition to Revive to be more appropriate, then Applicant authorizes that payment in the amount of \$640.00 pursuant to 37 CFR §1.17(m) to cover the petition fee and charged to Applicants Deposit Account No. 12-0080. The enclosed fee and reply are deemed to be proper, as required by 37 CFR §1.137(b). Please charge any underpayments or credit any overpayments associated with the issue fee and the petition fee to our Deposit Account No. 12-0080. A duplicate of this sheet is enclosed for that purpose.

Applicant respectfully requests that the present application be reinstated, and passed to examination.

If there are any questions concerning the petition to Withdraw the Holding of Abandonment, or the Petition to Revive the Commissioner or a selected delegate is invited to telephone Applicant's representative at the telephone number listed below.

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

  
Anthony A. Laurentano  
Registration No. 38,220  
Attorney for Applicant

28 State Street  
Boston, MA 02109  
(617) 227-7400  
Date: December 11, 2001

**DECLARATION, PETITION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION****RECEIVED  
CENTRAL FAX CENTER****JAN 20 2006**

(Check one):

- ☐ Declaration Submitted with Initial Filing  
☒ Declaration Submitted after Initial Filing

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**SIGNALLING METHOD AND APPARATUS**

the specification of which (check one):

- ☐ is attached hereto.

OR

- ☒ was filed on 27 March 2000 as PCT International Application Number  
PCT/GB00/01028, and was filed as U.S. Serial No. 09/701,228

- ☐ and was amended by PCT Article 19 Amendment on \_\_\_\_\_  
(if applicable).

- ☐ and was amended by PCT Article 34 Amendment on \_\_\_\_\_  
(if applicable).

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

**PRIORITY CLAIM**

(Check one):

- ☐ no such applications have been filed.
- ☒ such applications have been filed as follows

1) **FOREIGN PRIORITY CLAIM:** I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (dd/mm/yyyy)	Priority Not Claimed	Certified Copy Attached	
				Yes	No
9907006.2	GB	27 March 1999 (27.03.99)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- ☐ Additional foreign application numbers are listed on a supplemental priority sheet attached hereto.

2) **PROVISIONAL PRIORITY CLAIM:** I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

Provisional Application Number(s)	Filing Date (dd/mm/yyyy)

- ☐ Additional provisional application numbers are listed on a supplemental priority sheet attached hereto.

3) **U.S./PCT PRIORITY CLAIM:** I hereby claim the benefit under Title 35, United States Code, §120 of any United States application or §365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date (dd/mm/yyyy)	Parent Patent Number (if applicable)
	PCT/GB00/01028	27 March 2000 (27.03.00)	

- ☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority sheet attached hereto.

**POWER OF ATTORNEY:**

As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

James E. Cockfield  
Thomas V. Smurzynski  
Ralph A. Loren  
Giulio A. DeConti, Jr.  
Ann Lamport Hammitte  
Elizabeth A. Hanley  
Amy E. Mandragouras  
Anthony A. Laurentano  
Jane E. Remillard  
Jeremiah Lynch  
Kevin J. Canning  
Jeanne M. DiGiorgio  
Megan E. Williams

Reg. No. 19,162  
Reg. No. 24,798  
Reg. No. 29,325  
Reg. No. 31,503  
Reg. No. 34,858  
Reg. No. 33,505  
Reg. No. 36,207  
Reg. No. 38,220  
Reg. No. 38,872  
Reg. No. 17,425  
Reg. No. 35,470  
Reg. No. 41,710  
Reg. No. 43,270

Nicholas P. Triano III  
Peter C. Lauro  
DeAnn F. Smith  
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David J. Rikkers  
Chi Suk Kim  
Maria Laccotripe Zacharakis

Debra J. Milasincic  
David R. Burns  
Sean D. Derweiler  
Peter S. Stecher  
Adam M. Goodman

Reg. No. 36,397  
Reg. No. 32,360  
Reg. No. 36,683  
Reg. No. 42,483  
Reg. No. 43,882  
Reg. No. 42,728  
Limited Recognition  
Under 37 C.F.R. § 10.9(b)  
Reg. No. 46,931  
Reg. No. 46,590  
Reg. No. 42,482  
Reg. No. P47,259  
Reg. No. 43,640

Send Correspondence to:

**Anthony A. Laurentano, Lahive & Cockfield, LLP, 28 State Street, Boston, Massachusetts 02109, United States of America**

Direct Telephone Calls to: (name and telephone number)

**Anthony A. Laurentano, (617) 227-7400**

Wherefore I petition that letters patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor	
Colin TAYLOR	Date 11/05/2001
Inventor's signature	
Residence	
36 Westlecot Road, Swindon, Wiltshire SN1 4HB, United Kingdom	
Citizenship	
United Kingdom	
Post Office Address (if different)	

Office No. FHW-070US

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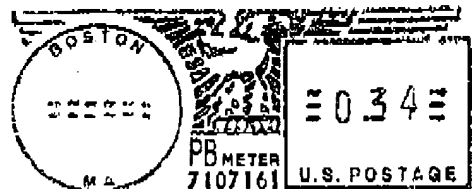
**Name of Applicant(s):** Colin TAYLOR

**Intf. or Serial No.:** 09/701,228

**Atty:** Anthony A. Laurentano

**Date:** December 11, 2001

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